

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

JAY CONNOR,

Plaintiff,

vs.

DISH NETWORK, L.L.C., and John Doe,

Defendants.

Civil Action No. 2:13-3524-CWH-BHH

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), Defendant DISH Network L.L.C. (“DISH”), through its legal counsel, hereby respectfully files and serves this Notice of Removal to remove this action from the Charleston County, South Carolina, Small Claims-City Court, based upon the following:

1. On or about November 7, 2013, Plaintiff Jay Connor (“Plaintiff”) filed a Complaint in the Charleston County, South Carolina, Small Claims-City Court. The matter is styled *Jay Connor v. DISH Network, L.L.C. and John Doe Defendants*, Case No. 2013CV1010601353 (the “State Court Action”).

2. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 83.IV.01, DISH files with this Notice of Removal and serves the following process, pleadings, orders, and other papers or exhibits of every kind presently on file in the State Court Action:

- Plaintiff’s Complaint (**EXHIBIT A**);
- Summons to Defendant DISH Network, L.L.C. (**EXHIBIT B**); and
- Notice of Service of Process (**EXHIBIT C**).

3. Further, pursuant to Local Rule 26.01, DISH files with this Notice of Removal its Responses to the Local Rule 26.01 Interrogatories (**EXHIBIT D**).

4. DISH was served with Plaintiff's Complaint, which is the initial pleading setting forth the claim for relief upon which this action is based, on November 18, 2013. Thus, this Notice of Removal is being filed with the Court within 30 days after the receipt by DISH, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based. This Notice of Removal is therefore timely filed under 28 U.S.C. § 1446(b)(1).

5. Removal of the State Court Action to this Court is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question jurisdiction). Specifically, Plaintiff's Complaint alleges a claim under the federal Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 *et seq.* (the "TCPA"). *See Mims v. Arrow Fin. Servs., LLC*, 132 S.Ct. 740, *753 (federal courts have federal question jurisdiction over claims that arise under the TCPA).

6. DISH will give written notice to Plaintiff of this removal and will promptly file a copy of this Notice of Removal with the Charleston County, South Carolina, Small Claims-City Court, Case No. 2013CV1010601353, as required by 28 U.S.C. § 1446(d). A copy of the Notice to be filed with the Charleston County, South Carolina, Small Claims-City Court is attached to this Notice of Removal as **EXHIBIT E**.

7. DISH is the only named defendant in the State Court Action.

WHEREFORE, Defendant DISH Network L.L.C. respectfully requests that the State Court Action be removed from the Charleston County, South Carolina, Small Claims-City Court to this Court.

s/Mary D. LaFave

Mary D. LaFave, DCID #10316

Robert C. Blain, DCID #11470

GAFFNEY LEWIS & EDWARDS, LLC

3710 Landmark Drive, Suite 109

Columbia, South Carolina 29204

803.790.8838 (office)

803.790.8841 (fax)

This the 18th day of December.

Attorneys for Defendant DISH Network L.L.C.

CERTIFICATE OF SERVICE

This is to certify that the foregoing Notice of Removal was filed electronically on the 18th day of December 2013, in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's Filing System.

Additionally, a copy of the foregoing Notice of Removal was served upon the following by First Class **Certified** U.S. mail, postage prepaid, this 18th day of December 2013:

Jay Connor
Post Office Box 20302
Charleston, SC 29413
Plaintiff

s/Mary D. LaFave

Mary D. LaFave, DCID #10316